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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 16th August, 1984:—

BILL NO. XIX OF 1984

A Bill further to amend the Copyright Act, 1957.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Copyright (Amendment) Act, 1984.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commence-
ment.

14 of 1957.

2. In section 2 of the Copyright Act, 1957 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 2.

(a) in clause (f), the following *Explanation* shall be inserted at the end, namely:—

Explanation.—For the purposes of this clause, “video films” shall also be deemed to be work produced by a process analogous to cinematography;”

(b) after clause (h), the following clause shall be inserted namely:—

“(hh) “duplicating equipment” means any mechanical contrivance or device used or intended to be used for making copies of any work;”;

(c) in clause (o), for the words “and compilations”, the words “, compilations and computer programmes, that is to say, programmes recorded on any disc, tape, perforated media or other information storage device, which, if fed into or located in a computer or computer based equipment is capable of reproducing any information” shall be substituted;

(d) in clause (t), after the word “negative”, the words “, duplicating equipment” shall be inserted.

3. In section 51 of the principal Act, in clause (b),—

Amend-
ment of
section 51.

(a) in sub-clause (iv), the brackets and words “(except for the private and domestic use of the importer)” shall be omitted;

(b) the following proviso shall be inserted at the end, namely:—

“Provided that nothing in sub-clause (iv) shall apply to the import of two copies of any work, other than a cinematograph film or record, for the private and domestic use of the importer.”.

4. After section 52 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
52A.

Particulars
to be
included in
records
and video
films.

“52A. (1) No person shall publish a record in respect of any work unless the following particulars are displayed on the record and on any container thereof, namely:—

(a) the name and address of the person who has made the record;

(b) the name and address of the owner of the copyright in such work; and

(c) the year of its first publication.

(2) No person shall publish a video film in respect of any work unless the following particulars are displayed in the video film, when exhibited, and on the video cassette or other container thereof, namely:—

(a) if such work is a cinematograph film required to be certified for exhibition under the provisions of the Cinematograph Act, 1952, a copy of the certificate granted by the Board of Film Certification under section 5A of that Act in respect of such work;

(b) the name and address of the person who has made the video film and a declaration by him that he has obtained the necessary licence or consent from the owner of the copyright in such work for making such video film; and

(c) the name and address of the owner of the copyright in such work.”.

5. In section 63 of the principal Act, for the words “shall be punishable with imprisonment which may extend to one year, or with fine, or with both”, the following shall be substituted, namely:—

Amend-
ment of
section 63.

“shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees”.

6. After section 63 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
63A.

“63A. Whoever having already been convicted of an offence under section 63 is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Enhanced
penalty on
second and
subsequent
convictions.

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year or a fine of less than one lakh rupees:

Provided further that for the purposes of this section, no cognizance shall be taken of any conviction made before the commencement of the Copyright (Amendment) Act, 1984.”.

7. In section 64 of the principal Act,—

Amend-
ment of
section
64.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any police officer, not below the rank of a sub-inspector, may, if he is satisfied that an offence under section 63 in respect of the infringement of copyright in any work has been, is being, or is likely to be, committed, seize without warrant, all copies of the work, and all plates used for the purpose of making infringing copies of the work, wherever found, and all copies and plates so seized shall, as soon as practicable, be produced before a Magistrate.”;

(b) in sub-section (2),—

(i) after the words “copies of a work”, the words “, or plates,” shall be inserted;

(ii) after the words “such copies”, the words “or plates” shall be inserted.

8. In section 65 of the principal Act, for the words “one year, or with fine, or with both”, the words “two years and shall also be liable to fine” shall be substituted.

Amend-
ment of
section
65.

Insertion
of new
section
68A.

9. After section 68 of the principal Act, the following section shall be inserted, namely:—

Penalty
for
contraven-
tion of
section
52A.

“68A. Any person who publishes a record or a video film in contravention of the provisions of section 52A shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.”.

Amend-
ment of
Act 12 of
1974.

10. In the Economic Offences (Inapplicability of Limitation) Act, 1974,—

(a) in section 2, in clause (i), after the word “enactments”, the words “or provisions, if any, thereof” shall be inserted;

(b) in the Schedule, after entry 1 relating to the Indian Income-tax Act, 1922, the following entry shall be inserted, namely:—

11 of 1922.

“1A. Clause (a) of section 63 of the Copyright Act, 1957 (14 of 1957).”.

STATEMENT OF OBJECTS AND REASONS

Piracy has become a global problem due to the rapid advances in technology. It has assumed alarming proportions all over the world and all the countries are trying to meet the challenge by taking stringent legislative and enforcement measures. The problem of piracy and the necessity for taking sufficient anti-piracy measures were also voiced by members of Parliament at the time of the consideration of the Bill to amend the Copyright Act, 1957, last year.

2. Mainly there are three types of piracy, namely, piracy of the printed word, piracy of sound recordings and piracy of cinematograph films. The object of the pirate in all such cases is to make quick money and avoid payment of legitimate taxes and royalties. In respect of books, it is estimated that four hundred to five hundred titles are pirated every year in India and on each of the pirated titles, the loss to the Government in the form of tax evasion amounts approximately to Rs. 11,000/-. Apart from books, recorded music and video cassettes of films and T.V. programmes are reproduced, distributed and sold on a massive scale in many parts of the world without any remuneration to the authors, artistes, publishers and producers concerned. The emergence of new techniques of recordings, fixation and reproduction of audio programmes, combined with the advent of video technology have greatly helped the pirates. It is estimated that the losses to the film producers and other owners of copyright amount to several crores of rupees. The loss to Government in terms of tax evasion also amounts to crores of rupees. In addition, because of the recent video boom in the country, there are reports that uncertified video films are being exhibited on a large scale. A large number of video parlours have also sprung up all over the country and they exhibit such films recorded on video tapes by charging admission fees from their clients. In view of these circumstances, it is proposed to amend the Copyright Act, 1957, suitably to combat effectively the piracy that is prevalent in the country.

3. The Bill provides, among other things, for the following amendments to the Act, namely:—

(i) to increase the punishment provided for the infringement of the copyright, namely, imprisonment of three years, with a minimum punishment of imprisonment of six months, and a fine up to Rs. 2 lakhs, with a minimum of Rs. 50,000/-

(ii) to provide for enhanced punishments in the case of second and subsequent convictions;

(iii) to provide for the declaration of the offence of infringement of copyright as an economic offence so that the period of limitation provided for in the Code of Criminal Procedure, 1973, for offences will not be applicable to this offence;

(iv) to specifically make the provisions of the Act applicable to video films and computer programmes;

(v) to require the producers of records and video films to display certain information in the record, video films and containers thereof.

3. The Bill seeks to achieve the above objects.

NEW DELHI;
The 9th August, 1984.

SHEILA KAUL.

SUDARSHAN AGARWAL,
Secretary-General.